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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Report of the Secretary-General*

I. Introduction

1. In its resolution 54/144 of 17 December 1999, the General Assembly called upon the Governments of the countries of the Commonwealth of Independent States (CIS), in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE), to strengthen their efforts and mutual cooperation relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (CIS Conference) (Geneva, 30 and 31 May 1996) and welcomed the positive results achieved by them in implementing the Programme of Action adopted by the Conference (A/51/341 and Corr.1, annex, appendix). The present report is submitted pursuant to Assembly resolution 54/144 in which the Assembly requested me to report to it at its fifty-fifth session on the progress achieved in implementation of the Programme of Action.

II. Implementation of the Programme of Action

2. Pursuant to what was stated in the Programme of Action, 1999/2000 was the last year of the follow-up to the CIS Conference. Follow-up mechanisms established within UNHCR and IOM, working in cooperation with concerned States, intergovernmental organizations and non-governmental organizations, continued to ensure the implementation of the Programme of Action. The Conference process has considerably advanced a number of issues identified in the Programme of Action and has met its essential objectives: to provide a reliable international forum to exchange information and pursue a constructive

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dialogue on population displacement problems, to galvanize international attention and review issues relating to refugees, forced migration and other migratory movements in the region, to clarify categories of concern, and to devise an integrated strategy, as well as to manage migratory movements. In addition, it has given impetus to the development of the non-governmental organization sector and civil society, and forged vital partnerships.

3. As requested by the General Assembly, the fourth and final year of implementation of the Programme of Action was characterized by the further strengthening of cooperation and mutually reinforcing partnerships among States, intergovernmental and non-governmental organizations, aimed at better addressing the wide-ranging and complex issues contained in the Programme of Action. The growing involvement of non-governmental organizations in the CIS Conference follow-up process and further structuring of their activities around thematic issues have been recognized as one of the tangible achievements. The development of the non-governmental organization sector has also contributed to building civil society in the countries concerned. Enhanced partnerships between UNHCR, IOM, OSCE and its institutions — such as the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM) — the Council of Europe and, in some instances, the United Nations Development Programme (UNDP), in support of concerned Governments, contributed to significant progress in areas of interest to the Conference process.

4. Through its advocacy role, UNHCR has contributed to the growing awareness on the part of Governments in the region that refugees and asylum-seekers' problems need to be addressed through the creation of effective legislative and institutional frameworks that are consistent with international standards. Since the beginning of the follow-up process, four countries have acceded to the 1951 Convention[1] and the 1967 Protocol[2] relating to the Status of Refugees: Kyrgyzstan, Turkmenistan, Kazakhstan and Georgia. Armenia, Azerbaijan, the Russian Federation and Tajikistan acceded to these international instruments prior to the Conference. Preparations for accession are under way in Belarus, while in the Republic of Moldova the recognition of the necessity of taking this step is growing. In addition, Kazakhstan is now at the final stages of preparing to accede to the 1954 Convention relating to the Status of Stateless Persons[3] and the 1961 Convention on the Reduction of Statelessness.[4] Most CIS countries have adopted new or revised earlier refugee legislation (Armenia, Azerbaijan, Belarus, Georgia, Ukraine, the Russian Federation and Tajikistan) or are drafting new legislation (the Republic of Moldova, Kyrgyzstan and Kazakhstan).

5. UNHCR continued to provide substantial humanitarian and integration assistance to refugees, internally displaced persons (IDPs), involuntarily relocating persons and formerly deported peoples in CIS countries within the framework of ongoing country programmes, in cooperation with the Governments, relevant international organizations and non-governmental organizations. For example, in the Russian Federation, a considerable amount of assistance was devoted to the integration of involuntarily relocating persons — one of the largest groups of concern identified in the Programme of Action. In addition, UNHCR played a key role in inter-agency efforts to provide assistance to IDPs in Inghushetia displaced from Chechnya (the Russian Federation). UNHCR also contributed considerably to finding solutions to problems of formerly deported Crimean Tatars who had already returned to Crimea (Ukraine), including those related to their legal status. As reported last year, all 25,190 de jure stateless persons among formerly deported peoples in Crimea were able to acquire citizenship in Ukraine, and this process continues. This is an area where strong cooperation between UNHCR, the Council of Europe and the relevant OSCE institutions (ODIHR and HCNM) has begun to bear fruit. As a result of the combined efforts mainly of UNHCR, OSCE/HCNM, the Council of Europe and the Governments concerned, the CIS Conference has contributed to bringing in to the international agenda and highlighting the necessity of finding solutions to the serious problems faced by another group of formerly deported peoples, namely, Meshketians/Meshketian Turks.

6. Other types of activities specifically generated by the CIS Conference process have been gradually mainstreamed into respective UNHCR country operations. They mainly focused on legal assistance, capacity-building and training activities to help States in the region strengthen the implementation of the Programme of Action. These have been aimed at ensuring the establishment of sustainable asylum

systems and refugee status determination procedures. The majority of States have now established national administrative structures to deal with refugees and national status determination procedures. A considerable amount of effort has been invested through cooperation between UNHCR and Governments in improving these procedures, in order that they may be consistent with international standards, as well as to bridge implementation gaps. UNHCR also continued substantial efforts in the area of capacity-building activities with regard to national non-governmental organizations in the region, inter alia, through the NGO Fund that has been operational since 1997.

7. With the specific support of IOM, significant progress has been made in the establishment of national migration management systems in 10 countries in the region. Problems of irregular migration are a growing concern, which IOM addresses by assisting Governments in putting in place effective, rational and humane migration management systems. The programmes for Capacity-Building in Migration Management have strengthened institutional coordination, improved the process of formulating national policies, facilitated the drafting and enactment of migration-specific legislation that approximates international standards, and furthered procedural development for managing migration. Implementation gaps between legislative and institutional frameworks and corresponding operational measures are being addressed through pilot border-management programmes that target the operational strengthening of immigration management and simultaneously serve as a practical means to inform further normative improvements. These initiatives are further being extended to include cross-border projects that expand the cooperation between neighbouring States to improve the effectiveness and efficiency of migration management processes. Increasingly, attention is also directed towards issues of smuggling and trafficking in human beings with particular regard to women and children.

8. The Office of the United Nations High Commissioner for Human Rights welcomed the continued attention given in the CIS Conference process to the promotion and protection of human rights. The Office of the United Nations High Commissioner for Human Rights was engaged in a number of activities supporting the aims of the Conference process and its Programme of Action. Of particular importance in this regard is its technical cooperation programme aimed at establishing or strengthening national human rights institutions and capacity. Projects under this programme have been or are being undertaken in Armenia, Azerbaijan, Georgia, the Republic of Moldova and the Russian Federation, and in a number of other countries such projects are proposed. Particular attention has been paid to the displacement crisis in relation to Chechnya, including the visit of the United Nations High Commissioner for Human Rights to the area and the relevant Commission on Human Rights resolution.[5] In the southern Caucasus, my Representative for internally displaced persons, whose mandate is serviced by the Office of the High Commissioner for Human Rights, visited the countries in the region, notably Georgia and Armenia, undertook a series of studies and engaged in solution-oriented dialogue with the actors concerned. A regional workshop on internal displacement, co-sponsored by the Brookings Institution Project, OSCE/ODIHR and the Norwegian Refugee Council, was convened in Tbilisi in May 2000. The workshop reviewed internal displacement in the southern Caucasus, in particular the composition of the displaced, their conditions and the role of the various actors in addressing these conditions.

9. My Representative has also been active in the CIS region placing emphasis on the necessity of finding solutions for IDPs, one of the categories of concern identified in the Programme of Action, particularly in the southern Caucasus. Special attention was given to the "New Approach" developed in Georgia by UNDP, UNHCR, the World Bank and the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, and endorsed by the Government. The emphasis on partnerships with local non-governmental organizations in Georgia is an integral part of this approach.

10. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), which has constituted a valuable tool towards the realization of the CIS Conference aims, gained considerable recognition. My Representative has urged Governments in the CIS region and non-governmental organizations to further familiarize themselves with the Guiding Principles and review their own actions, national legislation and procedures in terms of the Guiding Principles. The issue of the need to develop effective regional

approaches and intensive cooperation to achieve lasting results with regard to the problems of IDPs was also in the agenda.

11. While the Office for the Coordination of Humanitarian Affairs has not been directly involved in the preparation and follow-up to the CIS Conference, it has continued to support the initiatives undertaken by its field representations to implement the Programme of Action in the CIS countries, mainly Georgia, the Russian Federation and Tajikistan. These activities included the coordination of humanitarian assistance, early warning and preparedness, advocacy for humanitarian principles and resource mobilization. The focus in the Russian Federation was primarily on providing assistance to displaced persons in the northern Caucasus. In Tajikistan, efforts were concentrated on a coordinated response to the humanitarian crisis, encompassing the undertaking of coordinated preparedness measures for any emergency situation.

12. States in the region reiterated their willingness and readiness to tackle problems relating to citizenship and statelessness, although only two States in the region — Armenia and Azerbaijan — have ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, with Kazakhstan undertaking internal preparatory measures for future accession. Closer inter-State cooperation on this issue, combined with the support of international organizations and the revision of citizenship legislation in some countries, thereby aligning it with international standards, was indicative of this trend. A useful recommendation on the avoidance and reduction of statelessness was adopted by the Council of Europe in September 1999.

13. UNHCR and the Council of Europe also actively promoted the recognition of the role of non-governmental organizations in civil society, the establishment of a legal framework at the national level defining their status and the creation of an environment that would enable non-governmental organizations to play a more active role in CIS Conference implementation and follow-up. Thanks to the CIS Conference process, local and international non-governmental organizations have forged strong links and made substantial contributions through their active participation in meetings of the CIS Conference Steering Group. Non-governmental organization thematic working groups have been established and have continued to function, focusing on key issues such as refugee law and protection, conflict resolution, institutional frameworks and non-governmental organization legislation, humanitarian assistance, integration/resettlement/return and, most recently, formerly deported peoples. Non-governmental organizations are increasingly taking part in the monitoring and complementing of government action through advocacy of respect for human rights norms and the values of tolerance, and by advocating minority rights, providing humanitarian assistance and advocating the protection of all displaced persons. The Council of Europe has assumed a lead role in encouraging the passage of non-governmental organization-related legislation in CIS that is consistent with international and regional standards. In close cooperation with the Council of Europe and ODIHR, UNHCR assisted Governments in the region in becoming familiar with international and regional standards, as part of efforts to encourage passage of non-governmental organization legislation. A noteworthy contribution in this area was the dissemination by the Council of Europe of Guidelines on National Legislation for non-governmental organizations, first issued in July 1998. In addition, IOM has added to civil society-building efforts through non-governmental organization sector development in the southern Caucasus and has contributed to institutionalized non-governmental organization participation in government planning in Central Asia.

14. While the region has not yet seen the proactive involvement of international financial institutions in support of the Programme of Action, the World Bank and UNDP have been active partners in some areas, for example, in Azerbaijan.

15. In the educational field, ongoing efforts have been made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) which has taken an active part in follow-up to the CIS Conference. UNESCO is particularly concerned that problems linked to the forced displacement of populations and migratory movements in general are potential obstacles to the application of the right to education, and is supporting a number of specific projects in the region, notably in Ukraine, Kazakhstan and Tajikistan. At the World Education Forum, held in Dakar in April 2000, there was an urgent call for the international community to strengthen ways and means of ensuring respect by States for their obligations in the

application of conventions concerning the protection and right to education of all children, including those uprooted in CIS countries.

III. Review of progress made and future plans

16. During the concluding year of the official follow-up to the CIS Conference, the emphasis was placed on the evaluation of the accomplishments of the process, areas where further progress was still indispensable and the working out of recommendations on any future follow-up to be considered by the Steering Group of the CIS Conference.

17. As recommended at the previous (June 1999) session of the Steering Group, a Working Group to address the issue of the follow-up to the 1996 Conference was established. The membership of the Working Group comprised the countries of CIS, supporting international organizations, and other interested States and parties, including the non-governmental organization lead agencies and/or their representatives. The Working Group process was organized and facilitated by UNHCR, IOM and OSCE, with the active participation of the Council of Europe.

18. The Working Group was unanimous in its desire to see future activities related to the Conference process continue beyond the year 2000, in a framework that would better address immediate interests of the participating States. At the same time, the Working Group strongly felt that the Programme of Action adopted by the Conference in 1996 should remain valid, particularly as a reference tool for measuring accomplishments and identifying issues that would require further attention.

19. The Working Group made an Assessment of the Conference process (1996-2000), inter alia, on the basis of the most recent updates provided by the Governments of CIS countries and local non-governmental organizations in specially designed questionnaires. The main conclusions of this assessment constituted a basis for the draft report and recommendations submitted to the Steering Group.

20. On 13 and 14 July 2000, the Steering Group met at its last (fifth) session to review the achievements of the CIS Conference process in the implementation of the Programme of Action adopted in 1996, and areas necessitating further attention, and to take a decision, based on the submission of the Working Group, on future activities. That decision was required in accordance with paragraph 149 of the Programme of Action, which had stated: "The meeting of the year 2000 should conclude the process, and the Steering Group would decide then on any further appropriate follow-up". A total of 41 States, 3 observers, 11 intergovernmental organizations, 4 other entities and 126 non-governmental organizations participated in the event.

21. Participants in the Steering Group recognized that significant progress had been achieved in implementing the provisions of the Programme of Action and reconfirmed their commitment to the CIS Conference process. There was a consensus, however, that while the results so far had been impressive, they remained somewhat fragile and required additional effort and vigilance, greater political attention at the highest levels in CIS countries and continued strong international engagement and support. In essence, participants supported all main findings of the Working Group on these matters.

22. The Steering Group decided that the official title of the future process would be "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues". This process will last for five years starting from 2000, subject to modification by the participants depending on progress made in the implementation of programmes and activities related to the Programme of Action.

23. The future follow-up activities, as determined by the recommendations, will be focused on the following four broad thematic issues:

(a) Assuring continued focus on groups of concern including, as listed in the Programme of Action, refugees, IDPs, illegal migrants, persons in refugee-like situations, repatriates, involuntarily relocating persons, formerly deported peoples, and ecological migrants;

(b) Migration management, including combating illegal/illicit migration and trafficking, particularly trafficking in women, and improving border management with due respect to asylum issues and the human rights of the individuals concerned;

(c) Sustaining the achievements and activities of the non-governmental organization sector and civil society, and promoting further participation by international and local non-governmental organizations;

(d) Implementing legislation and avoiding implementation gaps.

24. The following four structural issues will also constitute the future focus of the process:

(a) Expert Working Groups should be established around each thematic issue, overseen by a lead agency (interested and relevant international organization) and should convene high-level review meetings based on progress achieved;

(b) Participation in Expert Working Groups should be flexible and include that of interested States to the extent that their interests and priorities are addressed;

(c) Strategies for support (financial and political) from donor and interested States and parties should be developed;

(d) All participants should assist in strengthening the commitment and cooperation between participating international organizations and encouraging participation of other international organizations.

25. A joint conference room paper of UNHCR, IOM, OSCE and the Council of Europe outlining the preliminary vision of this thematic approach and its lead agency mechanism was made available to the participants.

26. The chairman of the Steering Group described the essential results of the Conference process, taking into account the discussions at the final meeting of the Steering Group, and made some important remarks with regard to the future of the process.

27. The Conference process has considerably advanced a number of issues identified in the Programme of Action and has met its essential objectives: to provide a reliable international forum in which to discuss population displacement problems; to review the population movements taking place in the region; to clarify categories of concern; and to devise an integrated strategy, as well as to manage migratory movements. In addition, it has given impetus to development of the non-governmental organization sector and civil society, and forged vital partnerships.

28. However, much remains to be done, such as: addressing institutional gaps, including the implementation of legislation and the fulfilling of international obligations by the States concerned; ensuring concrete assistance and protection to groups of concern in the region and finding durable solutions to their problems; intensifying conflict resolution efforts; ensuring adequate financial support by the international community; consolidating partnerships between international organizations and institutions; and sustaining the non-governmental organization sector.

29. A new chapter of more intensive and more focused follow-up to the 1996 Geneva Conference has now been opened. It is very encouraging to note that all participating countries, organizations and non-governmental organizations were unanimous in their desire to continue the Conference process with the aim of contributing to the finding of reliable and lasting solutions to the existing challenges.

30. There is a clear agreement that the principles of the Programme of Action will continue to guide all participating parties in their dealing with the thematic issues in a concerted and pragmatic manner. The thematic approach was accepted and supported by all participants.

31. With the adoption of the Recommendations, the Conference process is moving towards a more advanced level of cooperation in the search for concrete solutions to problems in four main areas, as identified in the adopted document. The Recommendations create a framework flexible enough for future amendments and adjustments, as they may be needed.

32. The first practical step in the post-Steering Group period will be further consultations among the lead agencies to devise the work plans for the thematic working groups. The agencies involved were expected to meet in early September 2000 to discuss the relevant arrangements. This would be followed by a communication on the outcome of this meeting concerning the next practical steps for the implementation of the thematic activities.

33. High-level political and adequate financial support and enhanced coordination and partnerships,

dedication and perseverance will be required in order for the process to continue to move ahead successfully.

Notes

[1] United Nations, *Treaty Series*, vol. 189, No. 2545.

[2] Ibid., vol. 606, No. 8791.

[3] Ibid., vol. 360, No. 5158.

[4] Ibid., vol. 989, No. 14458.

[5] Document E/2000/23 (Part I)-E/CN.4/2000/167 (Part I), chap. II, sect. A, resolution 2000/58. The document is to be subsequently contained in *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23).